



Entered on Docket
March 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com
Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,
LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE ROAM DEVELOPMENT
GROUP, LP LOAN**

Hearing Date: February 20, 2009

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Roam Development Group,
3 LP Loan (the "Objection") [DE 6704]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on February 20, 2009. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are allowed to the extent Exhibit A shows there was "unremitted
8 principal" owed to the claimant. The remainder of the claims listed on Exhibit A are
9 disallowed.

10 ###

11 PREPARED AND SUBMITTED:

12 **LEWIS AND ROCA LLP**

13
14 By: /s/ John Hinderaker (#18024)
15 Rob Charles
16 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

**ROAM DEVELOPMENT LOAN
SECOND OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Unremitted Principal	Approximate Amount Subject to Objection
10725-00999	Georges 1987 Trust Dtd 12/23/87	c/o Leonard J. and Jean Georges Co-Tees 701 Rancho Cir Las Vegas, NV 89107-4619	\$200,000.00	\$2,525.44	\$197,474.56
10725-01429	Nancy Golden	5524 Rainer St Ventura, CA 93003	\$65,000.00	\$631.36	\$64,368.64
10725-00446	Jane Hendler	4154 Saint Clair Ave. Studio City, CA 91604-1607	\$71,160.43	\$0	\$71,160.43
10725-00447	Jane Hendler	4154 St Clair Ave. Studio City, CA 91604	\$71,160.43	\$820.77	\$70,399.66
10725-01452	Barbara J. Kewell Trust Dated 7/18/89	c/o Thomas Kewell 1620 Colchester St. Danville, CA 94506	\$50,439.42	\$631.36	\$49,808.06
10725-02533	The Thomas D Lynch 1995	Revocable Living Trust c/o Thomas D. Lynch Trustee 1011 Armadillo Ct Henderson, NV 89015-9446	\$8,773.73	\$2,525.44	\$6,248.29
10725-00533	Andrea T. Mancuso Family Limited Partnership	c/o Andra Mancuso General Partner P.O. Box 981840 Park City, UT 84098-1840	\$250,000.00	\$3,156.80	\$246,843.20
10725-00876	John M. and Linda S. Marston	12441 Road 44 Mancos, CO 81328	\$98,627.57	\$1,262.72	\$97,364.85
10725-01571	Molitch 1997 Trust	2251 N. Rampart Blvd. #185 Las Vegas, NV 89128	\$237,500.00	\$2,525.44	\$234,974.56
10725-02513	NBNA Unique Properties LLC	74478 Highway 111 # 342 Palm Desert, CA 92260-4112	\$180,000.00	\$1,894.08	\$178,105.92